



**RCA
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**

AGENDA ITEM NO.: 14
AGENDA DATE: Thu 08/05/2004
PAGE: 1 of 1

SUBJECT: Approve a resolution authorizing the filing of eminent domain proceedings for the Little Walnut/Buttermilk at 290 & 183 project of the Austin Clean Water Program to acquire a 26,736 square foot temporary staging area and material storage site easement and a 53,439 square foot temporary ingress and egress easement out of the John Applegate Survey No. 58, Abstract No. 29 in Travis County, TX, in the amount of \$16,837. The owner of the property interests sought to be condemned is the CARTER FAMILY PARTNERSHIP, Austin, TX.

AMOUNT & SOURCE OF FUNDING: Funding is included in the Fiscal Year 2003-2004 Capital Budget of the Austin Water Utility.

FISCAL NOTE: A fiscal note is attached.

REQUESTING Public Works **DIRECTOR'S**
DEPARTMENT:for Austin Water Utility; **AUTHORIZATION:** Sondra Creighton

FOR MORE INFORMATION CONTACT: Lauraine Rizer 974-7078; Laura Bohl 974-7064

PRIOR COUNCIL ACTION: N/A

BOARD AND COMMISSION ACTION: N/A

The City of Austin is upgrading its wastewater collection system as mandated by a U.S. Environmental Protection Agency's Administrative Order, received April 29, 1999, requiring the City to eliminate sanitary sewer overflows from its wastewater collection system.

In response to the U.S. Environmental Protection Agency's Administrative Order, the City of Austin has assembled the Austin Clean Water Program to plan, design, and construct sustainable wastewater collection system improvements that will result in a collection system free from sanitary sewer overflows.

The design plans for the Little Walnut/Buttermilk at 290 & 183 project of Austin Clean Water Program requires acquisition of a temporary staging area and material storage site easement and a temporary ingress and egress easement on property located at 0 U.S. 290 Highway East, the north side of US Highway 290 East, just west of East Anderson Lane (U.S. Highway 183).

The City of Austin has attempted to purchase the temporary staging area and material storage site easement and the temporary ingress and egress easement from the landowner; however, the parties have been unable to agree on an appropriate price. The Law Department is requesting authorization to file a lawsuit in eminent domain on behalf of the City of Austin.

CIP FISCAL NOTE

DATE OF COUNCIL CONSIDERATION:
WHERE ON AGENDA:
DEPARTMENT:

8/05/04
Resolution
Austin Water Utility

DESCRIPTION:

Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program project of Little Walnut/Buttermilk at 290 & 183 to acquire a 26,736 square feet temporary staging area and material storage site and a 53,438 square feet temporary ingress and egress easement out of the John Applegate Survey No. 58. Abstract No. 29, in Travis County, Texas, in the amount of \$16,837. The owner of the property sought to be condemned is the CARTER FAMILY PARTNERSHIP.

FINANCIAL INFORMATION:

Parent Project Name: Wastewater Unfunded Future
Project Authorization: 2003-04 Approved Capital Budget
Funding Source: Commercial Paper
Number: 4570 237 2017

Current Appropriation	\$ 410,907,293.00
Unencumbered Balance	144,690,884.03 *
Amount of This Action	<u>(16,837.00)</u>
Remaining Balance	<u>\$ 144,674,047.03</u>
Current Available Balance	\$ 159,173,911.02
Less Outstanding Commitments	<u>(14,483,026.99)</u>
Estimated Unencumbered Balance	<u>\$ 144,690,884.03 *</u>

Utility Finance:


David Anders, Utilities Finance Manager

Date:

7/14/04

REF# 4570 237 8573

RESOLUTION NO. 040805-

WHEREAS, the Council finds that the property interests described in the attachment is necessary for a public use; and

WHEREAS, the City has been unable to agree with the owner on the fair market value of the property interests to be acquired; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Attorney is authorized to file a suit in eminent domain and take other action deemed appropriate to economically effect the needed acquisition of the property interests.

The owner of the property interests to be acquired is Carter Family Partnership and the property is located at 0 U.S. 290 Highway East, the north side of US Highway 290 East, just west of East Anderson Lane (U.S. Highway 183), Austin, Travis County, Texas.

ADOPTED: _____ August 5 _____, 2004

ATTEST: _____

Shirley A. Brown
City Clerk

